Presented

App. F. IX-4

1928-29 (R.A.)

File No. G-28

Serial Nos. 1 - 3

Previous References
R.A. 32-20-1
Reforms, 21-22(8&9)
Legis. G-24-1

Later References
R.A 42-28-3

General and Revenue Secretariat.

Serial Nos. Three

9 x 12

Part B for March 1929

SUBJECT

Resolution for providing freedom of Speech to the members of the Representative Assembly and Legislative Council

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Ordered to be filed (vide page 10)

General and Revenue Secretariat. File No. 19 of 1928.

Serial No.	
1	L.C Resolution No: 5 by Mr. V. Veerabahu. Prays that provision shall be framed so that no member of the Assembly or Council be liable to any proceedings in any Court by reason of his speech or vote in the Assembly or Council &c
2	L.C Resolution No: 12 by Mr. D.S. Mallappa to the same effect.
3	L.C. Resolution No: 9 by Messrs G. Channappa & D.H. Chandrasekharaiya. Requests that the Leg: Assembly and Leg: Council Regulation may be suitably amended immediately so as to give "absolute privilege" to the members of the bodies with regard to their speeches made on the floor of both the two Houses Recommended. This resolution formed subject No: 176 of the recent Session of the Leg: Assembly & the result was as follows:— "The question has been discussed in Reference file 21: of 1922-23 (Dr. 849) Government have considered the

Flag R

Flag A

NOTE—Contn. sheet in the file Dept:

287, 288, 290 3 (2.

App. F. III—2]

General and Revenue Secretariat. File No. 19 of 1928.

Serial No.

DEWAN'S OFFICE. 1. DEC. 1928 No. 259

necessary to provide for this protection to the Members of the two bodies". The Subject was however not taken up for discussion.

6/12

2) Subito A similar Resolution was moved by Mr. D. Venkatesanga, Ex-Member, at the December Session of the Legis. Council 1924, but withdrawn by the Mover. The Reforms file relating to the subject is also put up for reference. A kind reference is invited to the Council Note.

BVN. 6/12/28.

3) Perhaps the resolution will have to be approved for ours. And the Law Secy be in charge of it.

6/12

4) 3rd Member) 6/12

5) I am of opinion that some measure freedom of speech in the Br. Indian Legislatures should be allowed.

6/12 7/12

6) Myself consent in Council with the Dewan's approval by

7/12

Dewan) 7/12

7) Mr 8-12-28

Sh. Secy) 8/12

CHIEF SECRETARY. 8 DEC. 1928

WD 0324—GPB—60,000—24-5 27

(For Disposal at a Meeting)

No. C. 220

of 1928-29

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT

(clause XII of the schedule)

Resolution for providing freedom of speech to the members of the Representative Assembly and Legislative Council

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Chief Secretary to Government.

10th December 1928.

First Member of Council.

Second Member of Council.

Third Member of Council.

D2

General and Revenue Secretariat. | File No. | of 192 . C2W.

Serial No.

8) This subject was generally discussed in Council to-day. It was agreed that a note might be put up showing how far this privilege is enjoyed by members of Provincial legislatures in India, what are the rules & orders ~~subject to~~ which liberty of speech is specially restricted and is there any provision for punishing transgression abuse of the privilege.

A/s Pol. to speak

new
13/12

9) A statement showing the provisions of law & rules in force at present in Br. India & in Burma is put up.

(Mr. Seey) 17/12

10) May be put up with an abstract of the Proc. of L. C relating to the Resolution on this subject

new
20/12

11) This may be sent to the Reporting Section for putting up the abstract.

BNV. 26/12/28

Yes

~~Mr. Edgley~~

F. T. O.

OFFICE OF THE SECRETARY
RECEIVED
22 DEC 1928
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

CHIEF SECRETARY,
22 DEC. 1928

vide appendix A

NOTE—Contn. sheet

P. O.

SUBJECT.

5

(5

290

Serial No.

(3) There were three resolutions on the subject at the recent session of the L-C. The first and Third (Nos 3 & 5 in the order of ballot) were withdrawn. The other resn (No 4) was discussed and the concerned transcripts are put up. Some of the speeches have not yet been returned approved by the concerned members and these are indicated by a cross ~~mark~~ against their names. Appd speeches have been indicated by a ticks.

SKR
30.1.29.

(4). Submd. with reference to the Chief Secretary's order of 22.12.28.

RR
30/1

RR
30/1

(5) Chief Secy)
What is required in case
Contract. One may think of
perhaps.

RR
20/1/29

mr 31/1

RR
31/1

NOTE—Contn. sheet.

WD 136—GPE. 250—4-3-27

P. O.

(6

SUBJECT.

Serial No.

16) The following is an abstract of the discussions that took place on Resolution No.4:-

Mr.V.Venkatappa moved:

"That this Council recommends to the Government of His Highness the Maharaja that proper rules be framed so that no member of the Assembly or Council be liable to any proceedings in any Court by reason of his speech or vote in the Assembly or Council or by reason of anything contained in any official report of the proceedings of the Assembly or Council."

17) The reasons which prompted the member to move the resolution were (1) that in bringing their grievances before the constitutional bodies it would be very difficult for members to go into details and find out whether their allegations were wellfounded or not, and (2) that provision for similar protection existed in British Indian Councils and the Indian Assembly as well as in the British Parliament.

18) Mr.D.H.Chandrasekharaiya, seconding, thought that those who wanted to do their duty by the country as members of constitutional Houses -- officials or non-officials -- should be protected against civil and criminal action. He conceded the argument that the non-existence of protection would act as a wise check on the unrestrained speeches of some members, but all the same he thought that a definite legal protection was urgently called for. There was no fear of members taking undue advantage of a provision like this, if made, because there was the Dewan-President who exercised control over any vagaries of thought or language and this, he said, was a sufficient safeguard. He added that the privi-

NOTE—Contn. sheet.

WD 196 -GPB- 250—4-8-27

lege

Serial No.

privilege claimed in the resolution existed in British India under Section 72, Clause 7 (A) of the Government of India Act.

19) Mr.D.V.Gundappa referred to similar provisions in the House of Commons and said that the spirit of the grant of the privilege was that no consideration of private interest or private dignity should come in the way of thorough and full discussion of all public affairs. Here in Mysore, however, he would welcome such a privilege if it was coupled with that of an elected President. As the responsibility of giving rulings then and there devolved on the President it would oftentimes place the Dewan in an embarrassing position as his action would be considered by one party as favouring the other. The case, however, would be different if the President was elected by the House, because, if he was not found quite impartial in his decisions, he could easily be thrown overboard.

20) On behalf of Government, the Third Member of Council said that while no doubt absolute freedom of speech was enjoyed in British Parliament, there was also the other side of the picture, viz., that although the members' speeches or doings could not be called into question by courts of law, the House itself exercised very strict discipline. Referring to the rules and regulations in force in Parliament and in the British Indian Legislatures, the Third Member said that Government would have no objection

NOTE—Contn. sheet.

to

Serial No.

to consider the matter sympathetically, if the House was prepared to ~~interfere~~ adopt the practice in vogue in British India. In this connection he added that this matter had no manner of connection with the appointment of a non-official President.

21) Mr.Dasappa was not for imposing any restrictions and urged that the privilege should be given irrespective of other considerations. ~~But the Second Member of Council stated that Government were not prepared to grant the privilege without restrictions.~~

22) The resolution was finally put to vote and lost, 16 voting for and 26 against.

(The full transcript of these discussions is also put up for reference.)

23) Submitted.

FRN
1.2.29.

DEWAN'S OFFICE.
6. FEB. 1929
No. 3562.

CHIEF SECRETARY.
1 FEB. 1929

Chief Secy)

24) Maybe placed before Hon. Ministers on return.

RG
2/2/29.

8236/6/2

25) The question may be considered at a meeting of Cl Hon Ministers

Mungt Law-Secy.

6/2/29

26) C.S. circulate

6/2/29

6.2.29

WD 10C—GPB. 250—4-8-27

19

(For Disposal at a Meeting)

No. C. 220

of 1928-29

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT

(clause xii of the schedule)

Protection to the Members of the Legislative Council and Representative Assembly for their speeches at the sittings of the Council and the Assembly respectively.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

8th February 1929.

Chief Secretary to Government.

First Member of Council. (Seen).

Second Member of Council. (Seen) 8/2

Third Member of Council. (Seen).

D2

(10

18

220

Subject:-

27) Resolution for providing freedom of speech to the Members of the Representative Assembly and Legislative Council.

OPINION OF THE COUNCIL.

28) No action required.
The question may be dropped
now
14/3.

29) L.C. Secy. with Compts

now
19/3

30) File. 21/3
21/3

02 A 14-28 -

THE MYSORE LEGISLATIVE COUNCIL.

December Session. 1928.

287 L.

M o v e r:- Mr. V. Venkatappa.

Resolution No.5.

This Council recommends to the Government of His Highness the Maharaja that proper rules be framed so that no member of the Assembly or Council be liable to any proceedings in any court by reason of his speech or vote in the Assembly or Council or by any reason of anything contained in any official report of the proceedings of the Assembly or Council.

OFFICE OF THE SECRETARY
27 NOV 1928
AND
LEGISLATIVE COUNCIL

RA 19-28 12

THE MYSORE LEGISLATIVE COUNCIL.

December Session. 1928.

M o v e r:- Mr. D. S. Mallappa.

Resolution No. 12

288
Le.

This Council recommends to the Government of His Highness the Maharaja of Mysore that immunity be provided for all Members of this House as well as those of the Assembly from all manner of criminal and civil actions, about the matters contained in their speeches, statements, discussions and other matters connected with the proceedings of these two constitutional Houses.

OFFICE OF THE SECRETARY
27 NOV 1928
REPRESENTATIVE ASSEMBLY
AND
LEGISLATIVE COUNCIL

GR # 19-283

3

THE MYSORE LEGISLATIVE COUNCIL.

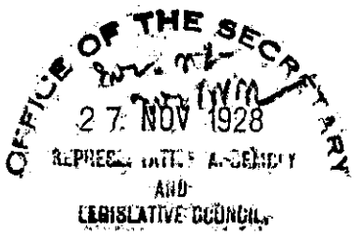
December Session -- 1928.

290
Lc.

Resolution No. 59

This Council recommends to the Government of His Highness the Maharaja that the Representative Assembly and the Legislative Council Regulation be suitably amended immediately so as to give "absolute privilege" to the members of the bodies with regard to their speeches made on the floor of both the houses.

Movers:-
Messrs G. Channappa and D.H. Chandrasekharaiya.



Appendix A

B R I T I S H I N D I A.

1. Government of India Act.

Section 67.

(7) Subject to the rules and standing orders affecting the Chamber there shall be freedom of speech in both Chambers of the Indian legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber, or by reason of anything contained in any official report of the proceedings of either chamber.

11. Indian Legislative Rules.

Rule 16.

The President , after having called the attention of the Chamber to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments of of the arguments used by other members in debate, may direct him to discontinue his speech.

Rule 17.

(1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Chamber, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the reminder of the day's meetir If any member is ordered to withdraw a second time in the same session, the President may direct the member to absent himself from the meetings of the Chamber for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly.

(3) The President may, in the case of grave disorder arising in the Chamber, suspend any sitting for a time to be named by him.

111. Standing order of the Legislative Assembly.

Standing Order 29.

(1) The matter of every speech shall be strictly relevant to the matter before the Assembly.

(2) A member while speaking shall not:-

i. Refer to any matter of fact on which a judicial decision i pending;
ii. Make a personal charge against a member;
iii.make use of offensive expressions regarding the conduct of the Indian or any local Legislature;
iv. reflect upon the conduct of His Majesty the King or the Governor General or any Governor (as distinct from the Governments of which they are respectively the heads) or any court of Law in the exercise of its judicial functions;
v. utter treasonable, seditious or defamatory words; or
vi. use his right of speech for the purpose of wilfully and persistently obstructing the business of the Assembly.

Note. The provisions applicable to Legislative Councils in Governors' Provinces are also to the same effect.

MYSORE.

Appendix A

1. Legislative Council.

(1) Legislative Council Regulation.

N i l.

(2) Legislative Council Rules of Business:-

Rule 2. Page 48 (Vol. 11). The President shall preserve order and shall decide all points of order submitted for his decisio by the members and all questions connected with the interpretation of these rules. He shall have all powers necessary for the purpose of enforcing his decisions. There shall be no discussion on any point of order and the president's decision shall be final.

Rule 18.

(1) The President shall preserve order and all points of order shall be decided by him.

x x x x x x

(4) The President shall have all powers necessary for the purpose of enforcing his decisions.

(3) Legislative Council Standing Orders:-

N i l.

11. Representative Assembly.

(1) Representative Assembly Regulation.

Section 6.

1. The Government shall have power from time to time to make rules not inconsistent with this Regulation to carry out all or any of the purposes of this Regulation.

~~2. The preservation of order at the meetings of the Assembly~~

2. Such rules may, among other things, provide for the following matters, viz.,

x x x x x x x

(h) The preservation of order at the meetings of the Assembly.

(2) Representative Assembly Rules of Business.

Rule 3. (Page 2 Vol. 11.)

(a) The President shall preserve order and shall have all powers usual and necessary for the purpose of enforcing his decisions on all points of order.

(c) The President may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Assembly and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's sittings.

(3) Representative Assembly Standing Orders.

Standing Order 26. (Page 27 (relating to discussions of representations) Vol. 11.)

The President, after having called the attention of the Assembly to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of those used by other members in debate, may direct him to discontinue his speech.